

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2951 – SB 2917

March 24, 2010

SUMMARY OF AMENDMENT (014639): Deletes Section 1 of the original bill in its entirety. States that a person violates the existing Class B misdemeanor when a person knows or should know that there is an attempt to serve a legal writ or other process by a public employee or a private person who is authorized to serve process and the person refuses to accept the writ or process; or when a person in control of property knows or should know that the person for whom the process is intended is located on the property but refuses to make such person available for service.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Currently, it is a Class B misdemeanor for a person to intentionally prevent or obstruct an officer of the state or a civil process server from serving or attempting to serve any legal writ or process. If the person uses a deadly weapon, it is a Class A misdemeanor.
- According to the AOC, there has been an average of 420 convictions per year for the past five years. Stating that a person knows or should have known that an attempt was being made to serve process and refusing such attempt or not making a person available for service is not expected to have a significant increase in the number of convictions.

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc